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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 NORCAL NURSERY, INC.,

11 Plaintiff,

12 v.

13 UNITED STATES, et al.

14 Defendant.

CASE NO. 2:20-CV-00868-MCE-DMC

**ORDER MODIFYING SCHEDULING ORDER**

JUDGE: Hon. Morrison C. England, Jr.

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17 This action under the Federal Tort Claims Act (“FTCA”) was filed by Plaintiff NorCal Nursery,  
18 Inc. (“NorCal”) on April 28, 2020. *See* ECF 1. Defendant the United States filed a motion to dismiss  
19 for lack of subject matter jurisdiction on August 10, 2020. ECF 11. The Court granted the motion in  
20 part and denied it in part on July 12, 2021. ECF 15. The United States thereafter filed an answer to the  
21 complaint. ECF 18.

22 The parties now jointly request that the Court modify the original scheduling order in this matter.  
23 They assert that modification is necessary to avoid potential disputes concerning the deadlines required  
24 by the original scheduling order, which was entered before the United States filed its motion to dismiss  
25 and before the parties had the benefit of the Court’s ruling on that motion. Moreover, the parties note  
26 that disruptions caused by the ongoing COVID-19 pandemic have made conducting discovery more  
27 time-consuming in a case that involves events that, in some instances, occurred approximately a decade  
28 ago. The parties also note that NorCal’s alleged damages in this case are influenced by the outcome of

1 other on-going litigation between NorCal and one of its customers. These circumstances present good  
2 cause to modify the scheduling order as the parties have requested. Any extension of the schedule  
3 contemplated by the original order is modest in the overall context of the case, and no party will be  
4 prejudiced by the requested schedule.

5 Having considered the parties' request that the Court modify the original scheduling order, and  
6 good cause appearing, that request is GRANTED. The parties shall adhere to the following schedule.

7 Deadline to exchange initial disclosures: February 11, 2022

8 Fact discovery cutoff: February 10, 2023

9 Expert disclosure deadline: March 10, 2023

10 Supplemental expert disclosure deadline: April 10, 2023

11 Close of all discovery May 10, 2023

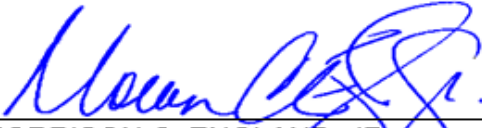
12 Dispositive motion filing deadline: June 9, 2023

13 A Joint Notice of Trial Readiness is due 30 days after the parties receive the Court's ruling on  
14 the last-filed dispositive motion, or, if no party intends to file a dispositive motion, 30 days after the  
15 deadline for supplemental expert disclosure.

16 All other terms of the Court's Initial Pretrial Scheduling Order dated April 28, 2020 (ECF 5)  
17 remain in effect.

18 IT IS SO ORDERED.

19 Dated: January 21, 2022

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21 MORRISON C. ENGLAND, JR.  
22 SENIOR UNITED STATES DISTRICT JUDGE  
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